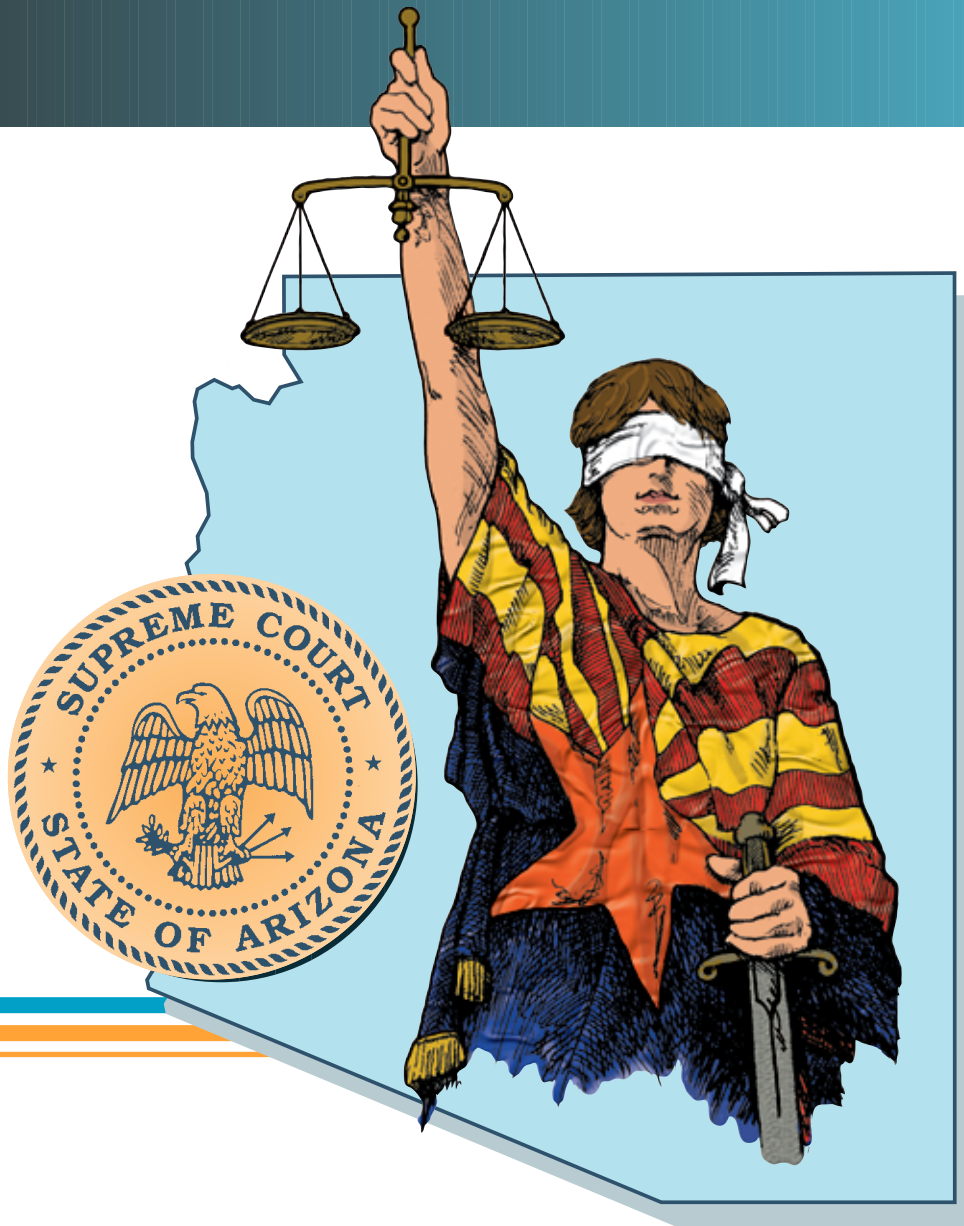


JUSTICE FOR A BETTER ARIZONA



*A Strategic Agenda for
Arizona's Courts
2002-2005*





In the best of times, or even in times of national stress, the responsibility of the American judiciary – *to administer justice under the rule of law, equally and independently* – remains constant. It does not change. This is the great constitutional mandate crafted by the founding fathers to safeguard what Lincoln described as government of the people, by the people, and for the people. The rule of law is the bulwark of a free society, the leavening that affords essential balance among *all* of society's interests, both public and private. It is the immutable principle that guarantees a judicial branch free from the maelstrom of partisan politics. It is our foundation, and the Supreme Court of Arizona remains firmly committed to it.

The Court has been graced for many years with remarkable leadership, and with men and women of uncommon jurisprudential talent. Traditions of innovation and judicial education have made the Supreme Court of Arizona one of the most respected in the nation. Our strategic agenda, *Justice for a Better Arizona*, will expand existing themes and develop new initiatives.

Reforms directed at family issues, substance abuse, and domestic violence are in the planning stages. A new goal, *Serving the Public by Improving the Legal Profession*, will focus on the practice of law and how the profession can better serve the public. We are studying ways and means to improve case management, procedure, and quality within our courts of limited jurisdiction. We will continue to automate the courts. These and other objectives, developed with the assistance of the Arizona Judicial Council, are matters of greatest importance which we believe must be addressed now. Equally important is our continuing effort to increase citizen accessibility to the courts.

Our agenda is ambitious. The planned initiatives may not be fully achieved in the short-term. But we choose not to shrink from the task. Accomplishments of recent years give much satisfaction. We anticipate that with the correct approach to the issues, public trust and confidence in the state's judiciary will continue to increase. Accordingly we pursue a comprehensive system of justice for the benefit of all Arizonans.

Charles E. Jones
Chief Justice



Courts provide a fair and impartial forum for the resolution of disputes. They ensure that those who violate laws are held accountable and serve to limit the arbitrary use of governmental power. They protect against physical or financial harm to those in need due to age or infirmity. Arizona courts are an essential component of a justice system that exists, in substantial part, to protect children, families, and the communities in which we live. To that end, this strategic goal, "PROTECTING CHILDREN, FAMILIES AND COMMUNITIES," includes four major areas of focus: abused and neglected children; victims of domestic violence; vulnerable persons; and, adults and juveniles under the supervision of the state's probation system.

1 - A

Abused and Neglected Children

There may be no greater exercise of governmental power, with the exception of the imposition of the death penalty, than the state's removal of children from their parents once allegations and evidence of abuse or neglect have been established. Courts are required to balance the protection of the child with the rights of the parent. Once intervention is deemed necessary, it is imperative that courts act swiftly and fairly to dispense justice, ensuring that parents are given every reasonable opportunity to become responsible for the care of their children. If parents are unable to assume custody, courts and ancillary services must make every effort to find appropriate, permanent homes so that no child languishes needlessly in the custody of the state.

Initiatives:

Process child abuse and neglect cases in a fair and timely manner to ensure children have safe, nurturing, and permanent homes while protecting the rights of all parties

- ☐ Continue implementation of Model Court statewide
- ☐ Encourage public and private agencies to increase efforts to recruit foster homes for children in need
- ☐ Encourage public and private agencies to increase efforts to recruit adoptive families and expedite the certification process for children available for adoption
- ☐ Provide continuing education to the judiciary on the impact of child abuse and neglect on children and families

Victims of Domestic Violence

Domestic violence affects thousands of Arizona citizens each year. Courts and probation departments observe the real impact such violence has, not only on victims of abuse, but also on children who live with and witness violence in their own homes. It is important for judges and judicial staff to be knowledgeable and possess the skills necessary to process domestic violence cases swiftly and appropriately when victims of abuse seek court protection.

Initiatives:

Develop and implement best practices and procedures to address domestic violence effectively and to reduce its impact on children and families

- ☐ Expand probation services to the limited jurisdiction courts for domestic violence cases, including the creation of specialized caseloads where appropriate, to ensure offender compliance with court orders
- ☐ Expand the electronic centralized registry to include orders of protection from all courts
- ☐ Provide continuing education to the judiciary concerning the seriousness of domestic violence, the cycle of abuse, and its impact on families, particularly children
- ☐ Assist in educating the public on domestic violence and the availability of services for those affected by domestic violence

Vulnerable Persons

As the population of our state continues to increase and age, courts are often called upon to appoint fiduciaries, licensed by the court, to aid those in need of assistance in managing their personal and financial affairs due to age or other infirmity. Courts must ensure, through effective oversight, policies, and training that fiduciaries act in the best interests of those they serve and are held accountable for performing their duties properly.

Initiatives:

Implement the re-engineering of probate case management statewide to ensure protection of elderly, mentally incapacitated, and other vulnerable persons

- ☐ Develop procedures to screen and monitor fiduciaries
- ☐ Develop uniform procedures to audit the accounting practices of fiduciaries
- ☐ Develop statewide automated case processing and uniform case management systems for probate cases
- ☐ Provide continuing education to the judiciary on the effective oversight of probate cases

Persons who violate the laws of this state must be held accountable. Courts determine the appropriate punishment for these individuals within the requirements of existing laws in order to deter crime and protect the public. If the court determines probation to be the most appropriate action, it must ensure that the offender is not only held accountable, but is offered rehabilitative services designed to reduce or eliminate future criminal activity. Those offenders with histories of substance abuse or mental illness present a unique challenge, and innovative approaches must be considered, such as drug courts and family courts, to reduce offender recidivism and to promote public safety.

Initiatives:

Provide a balanced approach to probation that focuses on holding probationers accountable, keeping communities safe, and providing treatment and rehabilitation services to offenders

- ☐ Enhance efforts to collect restitution and fees from probationers
- ☐ Require that probationers complete all conditions of probation, including community service hours
- ☐ Provide probation services to the limited jurisdiction courts for those convicted of sex offenses and DUI offenses
- ☐ Ensure the provision of treatment services for mentally ill offenders

Develop innovative, effective methods to assist substance abusing offenders, including the continued expansion of drug courts, to prevent additional contact with the justice system and ensure community safety

- ☐ Ensure offenders are appropriately screened for needs and risk to the community and that appropriate services are provided
- ☐ Expand drug/alcohol treatment programs for probationers
- ☐ Provide judicial education on the management and supervision of substance abusing offenders
- ☐ Make greater use of drug courts and treatment in reducing substance abuse and recidivism in the justice system

Develop and implement a comprehensive officer safety program in order to ensure the safety of officers and staff, thereby enhancing the effectiveness of probation in protecting the community

- ☐ Establish, implement, and monitor statewide policies concerning officer safety, utilizing the continuum of force model, up to and including the provision of firearms to officers
- ☐ Ensure that on-going safety training is provided to probation personnel
- ☐ Advocate for resources necessary to provide training and safety equipment to probation personnel



Our judicial system is predicated on the belief that all citizens coming before the courts are entitled to equal justice, regardless of race, ethnicity, gender, age, or economic circumstance. In order to have a fully impartial system of justice, courts must resolve cases swiftly and fairly because, as is often the case, justice delayed is justice denied. Memories fade, evidence is lost, and the accused may spend months or years in custody never having been found guilty of a crime. Courts ensure that litigants and victims fully understand their rights and that those rights are protected. Courts must provide meaningful access to all, ensuring that no litigant is denied justice due to the lack of counsel or the inability to understand legal proceedings. To that end, this strategic goal, "PROVIDING ACCESS TO SWIFT, FAIR JUSTICE," focuses on the following areas of importance: addressing bias in the judicial system; ensuring the rights of victims are enforced; providing meaningful assistance to self-represented litigants; and, creating user-friendly courts that effectively utilize technology and efficiently process and manage cases to resolve disputes in a fair and timely manner.

2 - A

Fairness in the Judicial System

The judiciary aspires to a fair and impartial justice system. The court community should strive to reflect the diversity of the public it serves at all levels and have open dialogue with all groups in order to increase respect and understanding between courts and the public they serve.

Initiatives:

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- **Continue to strive for a justice system in Arizona which is free from actual or perceived racial, ethnic, gender, or economic bias**
- ☐ Enhance communication between the courts and minority communities
- ☐ Provide continuing education of the judiciary on issues of cultural and racial diversity
- ☐ Endeavor to increase the diversity of the judiciary at all levels to reflect the communities it serves while maintaining the highest level of judicial qualifications
- ☐ Continue efforts to address the over-representation of minority youth in the justice system through the "Building Blocks" initiative
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For those directly impacted by crime, negotiating the criminal justice system may be a source of frustration. Courts must be responsive to the needs of victims while protecting the constitutional rights of both the accused and the victim. Courts must ensure victims have the opportunity to exercise rights granted to them. Additionally, victims deserve to be treated with respect by all entities in the criminal justice system.

Initiatives:

Ensure that the rights afforded victims of crime are enforced and that victims are informed and treated with dignity and respect

- ☐ Work in cooperation with law enforcement, prosecutorial agencies, defense counsel, and victims to ensure compliance with victims' rights provisions
- ☐ Provide continuing education of the judiciary on the rights and appropriate treatment of victims
- ☐ Educate victims on their rights as well as the responsibilities of prosecutorial agencies and the courts

For too many people the cost of legal representation has become prohibitive, as evidenced by the ever increasing number of self-represented litigants appearing before the courts. In order to ensure that citizens have meaningful access and an opportunity to be heard, Arizona courts have and will continue to develop methods to provide assistance to litigants so that no one is denied justice solely because they do not have the benefit of counsel.

Initiatives:

Develop and implement effective ways to assist self-represented litigants

- ☐ Partner with the State Bar to examine effective ways to provide legal assistance to pro se litigants
- ☐ Implement a public access line to provide general court related information to the public
- ☐ Encourage the establishment of legal advice hotlines for domestic violence, domestic relations, and juvenile matters
- ☐ Expand the judicial department's self-service center web site to include additional forms, instructions, and other information helpful to those who must appear in the limited jurisdiction and superior courts
- ☐ Simplify forms and procedures
- ☐ Encourage the establishment of self-service centers in courts and encourage the expansion of pro-bono legal representation by members of the State Bar

To enhance public trust and confidence in the judiciary, courts must be truly accessible to those whom they serve. As the age and diversity of Arizona's population increases, courts must address the need for more language interpreters, assistance for the speech or hearing impaired, and the public's growing expectation of assistance in the area of self-representation. Public expectations concerning the timely resolution of disputes, particularly in divorce and child custody proceedings, continue to challenge courts. The continuing development of efficient case processing and management systems is designed to ensure the resolution of disputes in a fair and timely manner, thereby strengthening public confidence in the courts.

Initiatives:

Provide an opportunity for those who appear before the courts to participate effectively without inconvenience

- ☐ Implement programs to ensure the availability of qualified language interpreters for non-English speaking litigants
- ☐ Implement programs to assist speech or hearing-impaired litigants
- ☐ Maintain court facilities that are safe, accessible, and convenient to use
- ☐ Enhance public access and usability of information available on-line through the expansion of the Judicial Branch web site and by looking for opportunities to partner with the Executive Branch to utilize its web portal, "Arizona @ Your Service," to increase the public's ability to conduct business with the courts
- ☐ Provide customer service training for judges and judicial staff

Encourage the development of case management systems that reflect best practices in order to resolve disputes in a prompt, fair, and cost-effective manner

- ☐ Assist courts in the development and implementation of best practices for efficient case processing
- ☐ Encourage the elimination of duplicative local rules and encourage the consistent application of statewide rules of procedure
- ☐ Enhance the use of technology within courts to process cases in an efficient manner, including the development of an electronic document management system
- ☐ Develop innovative ways in which to use alternative dispute resolution methods to achieve more mutually satisfying results and to expedite case dispositions

To better serve the public, courts must continuously examine innovative ways to resolve disputes in a fair, timely, and cost-effective manner. Litigants should not be forced to wait in limbo for resolution of such issues as the custody of their children, their financial future, or their very freedom. While traditional adversarial methods of dispute resolution may be appropriate for many cases, it is time to examine better and more cost-effective methods.

Courts of limited jurisdiction, where more than 95 percent of all litigants find themselves, must not be left behind as the judiciary moves forward. Demands placed upon these courts, particularly justice courts, have significantly increased over the years. In order to meet current demand and ensure public trust and confidence in the judiciary, Arizona courts will continue and expand case re-engineering efforts at all levels.

Initiatives:

Develop and implement a plan to enhance the operations of limited jurisdiction courts, with particular emphasis on justice courts

- ☐ Increase qualifications and provide legal assistance to justices of the peace and their staff as needed
- ☐ Enhance educational opportunities for justices of the peace and require demonstrated proficiency in areas of law common in cases handled in justice courts to ensure appropriate and consistent decision making
- ☐ Encourage the upgrade of court facilities to better serve the public and provide adequate space for court staff and records
- ☐ Centralize the processing of civil and criminal traffic tickets to ensure standardized processing and enhanced collection of fines.

- ☐ Ensure accountability through prompt resolution of complaints of misconduct

Work toward re-engineering domestic relations case processing to eliminate, in the vast majority of cases, the adversarial nature of divorce and provide prompt, fair, and more cost-effective methods to resolve divorce and child custody matters

- ☐ Create a task force to study domestic relations practices and alternatives to the adversarial process

Explore opportunities for the re-engineering of civil case processing to ensure cases are resolved in a prompt, fair, cost-effective method

- ☐ Conduct a thorough study evaluating the proposed use of complex litigation/business courts

Continue the re-engineering of criminal case processing to ensure expeditious resolution fairly and timely

- ☐ Dispose of 90% of felony cases within 100 days and 99% of cases within 180 days (Fill the Gap) and, as necessary, achieve funding to meet these goals
- ☐ Develop and implement integrated justice information systems to enhance the efficiency and accuracy of data transferred to and received from other governmental entities

Review the process of keeping the court record to determine the most appropriate and cost-effective method to preserve the integrity of judicial proceedings and effectively utilize valuable court reporter resources

- ☐ Establish a committee to review current court rules and develop new rules, as needed, governing how to best maintain the record of court proceedings



While the judiciary is the smallest branch of government, and is independent, it does not exist in isolation. Courts exist to serve the public and cannot serve effectively if meaningful communication does not exist. This strategic goal, "CONNECTING WITH THE COMMUNITY," focuses on enhancing judicial communication with the public and the other branches of government, as well as fostering public understanding of the role of the judiciary and how it functions through educational initiatives. In addition, the only contact many citizens have with judges results from a call to jury service. This initiative focuses on the development of a jury system that communicates its mission within the constitutional system, and is reasonably convenient for those called to serve.

Initiatives:

Communicate effectively with the communities we serve to ensure continuous improvement of the court in its service to the community

- ☐ Conduct citizen summits in various locations to gather input from the general public, court users, and minority communities
- ☐ Keep the public informed of court activities and initiatives through the use of the Judicial Branch web site and other means of outreach
- ☐ Foster a continuing relationship with the legislature through the "View from the Bench" programs which pair legislators with judges for purposes of enhancing mutual respect for their respective roles
- ☐ Establish local citizen advisory boards in each county to provide input on court operations
- ☐ Conduct customer service surveys for continuous feedback from court users

Develop educational programs and initiatives to improve the public's understanding of the role and functioning of the court

- ☐ Partner with the State Bar Foundation to expand educational programs within schools, such as "We the People," to foster a greater understanding of the role of the court in a constitutional system of government

- ☐ Develop and implement opportunities for young people to observe courts in action and continue partnering with the State Bar to maintain and expand the "Law for Kids" web site
- ☐ Assist the public in developing a greater understanding of the functioning and role of the Supreme Court by conducting oral arguments and town halls in communities around the state

Develop and implement a jury selection and management system which provides a convenient, respectful, and meaningful experience for jurors

- ☐ Implement one day/one trial statewide
- ☐ Expand resource lists used to create jury pools
- ☐ Develop juror appreciation programs
- ☐ Create juror exit surveys to obtain juror input
- ☐ Increase juror compensation
- ☐ Implement systems to promote compliance with the requirement to appear for jury duty
- ☐ Develop jury management software, including systems to assist jurors in scheduling jury service
- ☐ Educate the public on the importance of jury duty in order to secure the attendance of those summoned for service



The judicial branch of government, like the executive and legislative branches, must be accountable to the public. This strategic goal, "BEING ACCOUNTABLE," focuses on the obligation of the judiciary to ensure staff at all levels are competent, professional, and customer service oriented, to keep all branches of government and the public informed of court operations, programs and initiatives, and the development of a clear, strategic agenda for the judiciary of Arizona which fosters public trust and confidence.

Initiatives:

Recruit and retain a professional, well-trained, customer service oriented workforce to better serve the needs of the public

- ☐ Advocate for competitive salaries and benefits for all court employees, including probation officers, judicial staff, and judicial officers
- ☐ Advocate improved retirement benefits, including the "Deferred Retirement Option Program," to encourage the retention of experienced employees who would otherwise retire from state service
- ☐ Enhance training and career opportunities to increase the knowledge and professionalism of staff
- ☐ Update and enhance judicial education programs to require comprehensive, meaningful training of judges, judicial staff, and probation officers

Keep the executive and the legislative branches of government, as well as the public, informed of court operations, programs, and initiatives

- ☐ Deliver an annual State of the Judiciary Address
- ☐ Publish an annual report
- ☐ Publish the court's strategic agenda

The Arizona Judicial Council will continue to assist the Chief Justice in the development, review and implementation of the Strategic Agenda of the judiciary

- ☐ Continue to encourage local courts to engage in setting strategic goals consistent with those established by the Judicial Branch Strategic Agenda
- ☐ Continue strategic planning by committees and commissions of the Arizona Judicial Council

Increase efforts to ensure that court facilities and all who work within or visit the courts are kept safe from physical harm.

- ☐ Make recommendations on steps necessary to provide appropriate security to protect court facilities, personnel, and computer systems from intentionally inflicted harm or destruction



The judiciary has long recognized the indispensable role of the legal profession in protecting individual rights and liberties in a free society. We continue in that tradition. Because the Supreme Court regulates the practice of law, however, the judiciary must determine how the legal profession can best serve the public. While the traditional adversarial system for resolving disputes may be applicable in the majority of legal disputes, that system may not be desirable in all cases. Our Model Court program for dependent and neglected youth is a good example. The fundamental conflict inherent in the duty of the attorney to seek truth, vigorously representing the client in an adversarial proceedings, may need to be re-examined in other areas, particularly in family disputes. This strategic goal, "SERVING THE PUBLIC BY IMPROVING THE LEGAL PROFESSION," focuses primarily on whether existing rules governing the practice of law in specific areas need to be re-visited in light of changing societal expectations and needs. Attorneys must be held to the highest standards to prevent harm to those they serve, and to compensate those who have suffered economic loss caused by dishonest conduct on the part of his or her legal representative.

Initiatives:

Work in partnership with the State Bar and other entities to examine ways in which the legal profession can best serve the public and the justice system as officers of the court

- ☐ Work with the Conference of Chief Justices and the National Association of Law School Deans to examine fundamental concepts concerning the legal profession being presented in law schools

Continue to improve the attorney discipline process to ensure the efficient, timely, and fair resolution of client complaints

- ☐ Meet time frames established by the Supreme Court for processing complaints
- ☐ Provide complainants timely notice and an opportunity to be heard before final disposition of complaints
- ☐ Provide easily accessible information to the public relating to disciplinary actions taken against attorneys in order to protect the public

Ensure the client protection fund is financially solvent in order to reimburse losses caused by the dishonest conduct of attorneys admitted and licensed to practice in Arizona, occurring in the course of the attorney-client or a fiduciary relationship between the attorney and the claimant



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